

LAW NO. 22 of 2006 PROMULGATING 'THE FAMILY LAW' 22 / 2006

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We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar,

After perusal of the Constitution;

The Proposal of the Minister of Awqaf and Islamic Affairs;

The Draft Law submitted by the Council of Ministers; and

After taking the opinion of the Shura Council,

Have enacted the following Law:

Issuance Articles

Article 1 - Introduction

Article 1

The provisions of the Family Law annexed to this Law shall come into force.

Article 2 - Introduction

Article 2

Claims and disputes pertaining to family matters and inheritance shall be decided by one or more circuits of the Court of First Instance and the Court of Appeal, which shall be named the "Family Court". A single -Judge Family Court at the Court of First Instance may decide claims and disputes of family matters and inheritance determined by the Supreme Judicial Council.

Article 3 - Introduction

Article 3

All competent authorities, each within its respective jurisdiction, shall implement this Law and it shall be published in the Official Gazette.

The Family Law

Article 1

Article 1

In the application of the provisions of this Law, the following words and expressions shall have the meanings assigned to each, unless the context requires otherwise:

"Court": The competent court of family matters.

"Judge": The competent judge of family matters.

“Child and Children”: Male and female.

“Filing the Claim”:The acceptance thereof as marked on the petition filingit.

“Year”: Hijri ((Islamic Calendar Year).

“Month”: Hijri (lunar or Islamic Calendar Month).

“Evidence”: Any means of proof accepted in Islamic Sharia law.

Article 2

Article 2

The provisions of this Law shall apply, as from the date of enforcement, to all claims that are not decided by a Court of First Instance judgment.

Article 3

Article 3

Unless provided by this Law, or otherwise decided by the Court, the prevailing view in the Hanbali School shall be followed. If no such prevailing opinion in the Hanbali School is to be found on a situation not specifically provided for in this Law, the judge may apply as deemed appropriate the views of the other four Sunni Schools. The judge can apply the general rules of jurisprudence in Islamic Sharia if all the above recourses, in the order stated above, are unable to reach a satisfactory outcome.

Article 4

Article 4

This Law shall apply to those subjected to the Hanbali School of Thought. Others shall be subject to their provisions. Family matters of non-Muslim parties shall be subject to their own provisions. The provisions of this Law shall be applicable, in all cases, to those who request its application or are of different religions or schools.

This law shall apply to those subjected to the Hanbali School of Thought. Those subjected to other schools of thoughts and/or non Muslim jurisprudence shall be subjected to provisions of their respective Schools of Thought and/or non Muslim jurisprudence. The provisions of this law shall in all cases be applicable to those who request its application or are of different religions or schools.

BOOK ONE

Preliminaries And Provisions Of Marriage

Part 1

Engagement for Marriage Provisions

Article 5

Article 5

“Engagement” is a request of marriage and/or the expressed promise of marriage as determined by custom. Consequently it shall not give rise to any of the consequences of marriage.

Article 6

Article 6

Engagement of permanently or temporarily forbidden women is prohibited. However an allusion on engagement is allowed whilst a woman is observing Iddat (waiting period).

Article 7

Article 7

Each party engaged to marry have a right to terminate an engagement. Money paid as part of dowry shall be redeemable if either party decides to terminate an engagement. Furthermore if an engaged party dies during the engagement, his heirs have the right to redeem the money paid as part of dowry and or whatever was paid in kind as part of dowry. Payment which was made in kind as part of the dowry shall be given an equivalent appropriate value on the day payment was made. In case where the fiancée used her dowry or part thereof to purchase trousseau, the fiancées shall have to refund the dowry in its entirety, or give the trousseau equivalent to the amount utilised from the dowry and the balance of the dowry.

Article 8

Article 8

If the engagement is cancelled without justification, gifts shall be returned in kind if they exist, alternatively their equivalent or value when received if he/she terminates the engagement without a reason, unless such gifts are consumable by their nature or if custom dictates otherwise. Furthermore if one of the parties withdraws for some reason, the withdrawing party may withhold what had been given in kind. Where gifts are still to be received, the withdrawing party may redeem them on receipt. However, if the engagement was terminated due to death and/or reasons beyond the control of both parties, the gifts shall be irrecoverable.

Part 2

Marriage Conclusion

Chapter One

General Provisions

Article 9

Article 9

Marriage is a legitimate contract between a man and woman on the basis of sustainability, and its aim is cohabitation and securing chastity

Article 10

Article 10

Marriage shall be established by a formal contract issued in accordance with the law, as an exception, it may be proved by other Evidence as may be decided by the Judge.

Chapter Two

Marriage Conclusion Provisions

Article 11

Article 11

The following two preconditions shall be prerequisite in a marriage contract:

- 1) Both parties shall satisfy such conditions required of them.
 - 2) Offer and acceptance from both parties.
-

Article 12

Article 12

The following conditions shall be required for validity of the marriage contract:

1. Competence of the parties and their being free from legal disabilities.
 2. Validity of offer and acceptance.
 3. The guardian, who satisfied conditions in accordance with the provisions of this Law.
 4. The witnesses as stipulated in this Law.
-

Article 13

Article 13

The following conditions shall be required for the validity of offer and acceptance:

1. Both must be borne of full consent in verbal pronouncements, idiomatically or customarily, indicating their understanding of the meaning of marriage. In case of the inability to speak, the law requires that the parties express the understanding of the meanings in writing or any form of acceptable communication.
 1. They must be uttered in full sentences denoting perpetual conjugal relation.
 2. The offer must remain valid until accepted.
 3. Acceptance must agree with and correspond to the offer expressly or by implication.
 4. There must be coextension of the contract meeting.
-

Chapter Three

Capacity of the Spouses

Article 14

Article 14

Marriage contracts are subject to sanity and maturity of both parties.

In the case of marrying a second wife and, if the husband's status reveals his financial inability, the marriage attestator/notary shall ensure that the new wife has knowledge thereof. The marriage attestator may not refuse to execute the contract marriage if the parties so desire, and in all cases all other wives shall be notified of this marriage after execution thereof.

Article 15

Article 15

Notwithstanding the provisions of the preceding Article, marriages of the mentally ill or incompetent persons shall not be authenticated save under the following conditions:

1) Approval of the guardian.

1. Verification of consent and knowledge of the mental condition by the other party entering into a marriage contract.
 2. Verification by a competent medical expert that the illness will not be transmitted to his/her descendants.
-

Article 16

Article 16

The Judge shall not authenticate the marriage of a person placed under guardianship for prodigality except by approval of his legal surrogate/ legal representative and after verifying that the dowry is appropriate in accordance to his financial status. In cases where the surrogate/legal representative refrains to the above mentioned approval, the Judge shall require the surrogate to give the approval within a specified period. However in cases where the surrogate does not object or the objection is unmeritorious, it is the prerogative of the judge to decide whether the party deemed incompetent shall be allowed to marry.

Article 17

Article 17

Males are not allowed to enter into marriage contracts before the age of eighteen (18). Females are not allowed to enter into marriage contracts before the age of sixteen (16). All marriages of males and females over the age of eighteen (18) and sixteen (16) respectively shall only be allowed after the approval of the guardian, verification of the consent from both parties to the contract and the permission of a competent Judge.

Article 18

Article 18

Each party to the contract shall submit to the marriage attestator/notary a medical certificate from a competent medical authority specifying that parties are free from genetic diseases and the other diseases specified by the National Health Authority in coordination with the relevant authorities. The marriage attestator/notary shall notify each party of the content of the medical certificate submitted before the signing of the contract. The notary may not refuse the authentication of the contract as a result of the medical examination if the parties so desire.

Article 19

Article 19

To conclude a marriage contract, a private power of attorney, approved by the competent authority, may be used. Agents shall not exceed their limits stipulated by the power of attorney. Should the agent be found to be intrusive (fuduli) the contract shall not be concluded on behalf of the person concerned unless otherwise ratified by the concerned person or his guardian. The agent himself may not marry his principal, unless the power of attorney provides for so doing.

Chapter Four

Marriages Forbidden on the grounds of Consanguinity, Affinity and Fosterage

Section 1

Perpetual Forbiddance

Article 20

Article 20

Marrying the following persons shall be prohibited on the ground of consanguinity:

1. Ascendants, however high in lineage.
 2. Descendants, however low in lineage.
 3. Descendants of either or both parents, however remote downwards.
 4. The first degree of the descendants of grandparents or grandmothers.
-

Article 21

Article 21

Marrying the following persons shall be prohibited on the ground of affinity (kinship through marriage):

1. Spouses, by mere contracting, of ascendants, however remote upwards, and of descendants however remote downwards.
 2. Ascendants of spouses, by mere contracting, however remote downwards.
 3. Descendants of spouses, by consummation of marriage, however remote downwards.
-

Article 22

Article 22

A person may not marry his descendant issue of adultery, however remote downwards, nor his daughter whose affiliation to him is rebutted by **Li'aan**.

Article 23

Article 23

Prohibitions arising from consanguinity shall also apply to breastfeeding, provided that satiating the suckling occurred in the first two Years of birth five definite times.

Article 24

Article 24

A person may not marry a woman he was involved with her in mutual cursing (**Li'aan**).

Section 2

Temporary Forbiddance

Article 25

Article 25

It shall be temporarily prohibited to:

1. Have concurrently two Mahram women as wives, even during Iddat (waiting period), where, if one of them were to be a male, it would be forbidden for him (the presumed male) to marry the other.
 2. Marrying more than four wives, even if one of them is in Iddat.
 3. Marrying women already married or marrying women in Iddat (mourning period).
 4. Remarry his divorcee, who is divorced three times, until she has completed her Iddat (waiting period) on a divorce by another man who had married her properly and consummated his marriage as recognized by Sharia law.
 5. Women wearing Ihram for a Hajj or Umrah.
 6. Have as a wife a non-Muslim woman, save for a Kitabiya (Christian or Jewish) woman.
 7. Marry a non-Muslim man to a Muslim woman.
-

Chapter Five

Guardianship in Marriage

Article 26

Article 26

The matrimonial guardian shall be the father, then the agnate grandfather, the son, the full brother, paternal half-brother, the full uncle and then the paternal uncle, respectively. The guardian shall be a male of sound mind, mature, not in the state of ritual consecration (Ihram) for (Hajj or Umrah), and a Muslim if the guardianship is for a Muslim woman.

Article 27

Article 27

If matrimonial guardians are two and equal in relationship, either of them may conclude the marriage in accordance with its conditions.

If the contract is concluded by a distant guardian while the closest guardian was present, the marriage shall be valid, unless the closest guardian is the father. In that case the contract shall only be concluded with the approval of the father. The father has the right to annul the marriage if he does not approve the marriage contract. In this case, the Judge shall decree as may be deemed suitable in the circumstances and for the requirements of interest.

Article 28

Article 28

A guardian of a woman shall conclude her marriage with her consent.

Article 29

Article 29

Subject to the judge permission, the distant guardian shall conclude the Marriage in the following two cases:

1. If the woman's closest guardian prevented her from marriage, or if there are several guardians of the same degree who have all withheld their approval or disagreed among themselves.

If the close guardian is absent and the Judge is of the opinion that waiting for the view of the absent closest guardian may adversely affect the marriage.

Article 30

Article 30

The judge shall act as a guardian to all those without guardians. The Judge may not marry himself to a woman under his guardianship.

Chapter Six

Matching in Marriage

Article 31

Article 31

Matching/competence in marriage shall be a condition for enforceability focusing on piety and good manner at the time of contracting.

Article 32

Article 32

Matching is a private right for the woman and her guardian.

Article 33

Article 33

The guardian for matching shall be an agnate according to the order provided for in the first paragraph of Article 26 of this Law

Article 34

Article 34

Should the husband found to have misrepresented himself in terms of matchability, the wife and her guardian shall have the right to request revocation of the marriage

Article 35

Article 35

The right to claim rescission shall lapse upon the wife getting pregnant or the passage of one Year after the marriage conclusion.

Chapter Seven

Marriage Witnesses

Article 36

Article 36

There shall be two Muslim male witnesses in every marriage contract. The witnesses shall be of sound mind and mature and competent, having heard the offer and acceptance and having understood that marriage is intended.

Chapter Eight

Dowry Provisions

Article 37

Article 37

Dowry is the money and/or whatever is deemed legally valid, paid by the husband for the purpose of marriage

Article 38

Article 38

Dowry belongs to the wife; she may dispose thereof as she wishes.

Article 39

Article 39

Dowry may be paid promptly at the time of concluding the marriage contract or deferred in whole or in part. Dowry shall become payable at the conclusion of a proper marriage contract. Dowry shall be confirmed in whole upon consummation of marriage, valid seclusion or death. The deferred part of the dowry shall fall due by the elapse of the time specified therefore, and such time shall have elapsed on the occurrence of irrevocable divorce or death, in which cases the deferred dowry shall become due.

Divorcees shall be entitled before the consummation of the marriage to half of the dowry if specified; if not or if invalidly specified, the Judge shall grant her an enjoyment consideration not exceeding half of the comparable appropriate dowry.

Article 40

Article 40

The wife may refuse to consummate marriage until dowry is paid. However if the wife agrees to copulate with her husband before receiving the dowry, it becomes a debt upon the husband.

Article 41

Article 41

The entire dowry or the enjoyment consideration shall be annulled if the separation was initiated by the side of the wife before consummation of the marriage or being together in proper marital privacy.

Chapter Nine

Dowry, Trousseau and Possessions Disputes

Article 42

Article 42

If the spouses, before consummation of marriage, dispute on the delivery of immediate dowry, the onus of proof shall be on the husband; if he fails, the dispute shall be decided upon the wife's word on her oath. If such dispute is after consummation, the onus of proof shall be on the wife; if she fails, the dispute shall be decided upon the husband's word on his oath.

Should they disagree over the essence of naming the dowry after its confirmation and the claimant was unable to show proof, the named dowry at the time of retracting the oath will be decided or a dowry similar to that at the time of taking the oath. The similar dowry is compared to the dowry of precedent among women under like circumstances.

Article 43

Article 43

If the spouses dispute over the amount of the dowry, the onus of proof shall be on the wife; if she fails, the dispute shall be decided upon the husband's word on oath, unless what he claims, customarily, cannot be a dowry for her like; in which case, a dowry of her like shall be decreed. The same applies to disputes between one of the spouses and the heirs of the other, or between the heirs of both.

Article 44

Article 44

Should the couple dispute over property received, because the husband claimed it was a trust and the wife claimed it as a dowry. They shall be expected to produce evidence. Whosoever amongst them provides sufficient evidence, the court shall judge in his/her favor. Should none provide sufficient she/he shall take an oath. If the disputed property is the same kind of the dowry, the dispute shall be decided upon the wife's word on oath. If the property is not the same kind of dowry, the dispute shall be decided upon the husband's word on oath.

Article 45

Article 45

Should the couple dispute over property received, where the husband claims it was a dowry and the wife claims it was a gift. They shall be expected to produce evidence. Each one of them shall be judged upon the established evidence. Should they fail to provide sufficient evidence. The court will look at the norm prevailing with the custom and society of the gestures. , Whomsoever testifies by norms shall take an oath..

Article 46

Article 46

The husband shall be bound to provide the matrimonial home. If the wife provides something of it then it shall belong to her. The wife may have recourse to her husband for her contribution in building the marital home. Such contribution may not be considered a gift from her except by express acknowledgment. The husband may make use of the trousseau belonging to the wife as long as the marital status persists. If he wilfully damages it, he shall be liable therefore.

Article 47

Article 47

If, during wedlock or after separation, the spouses dispute over household belongings that are more suited to one of them than the other, then each of them who establishes proof shall be decreed the owner, even if the disputed belongings are of a kind fitting the other. If they adduce Evidence, the proof that is supported by the ostensible state of things shall prevail. If they both fail to adduce Evidence, then the property that is suited to women shall be decreed for the wife on her oath, and that which is suited to men shall be decreed for the husband on his oath.

Article 48

Article 48

If the spouses or their heirs dispute over household belongings that suit them both, then either party of them who establishes proof shall be decreed the owner. If both adduce Evidence of equal weight, or both fail, the disputed belongings shall be decreed on their oaths to be divided equally between them.

Part 3

Types of Marriage

Article 49

Article 49

A marriage contract may be proper or improper. An improper marriage shall include invalid (Fasid) and void or (Batil) marriages.

Article 50

Article 50

A proper marriage shall be the marriage that meets its preconditions and conditions without any legal disabilities and shall give rise to its full legal effects on conclusion.

Article 51

Article 51

An invalid marriage shall be the marriage that fails to fulfil one of its conditions and shall give rise to no legal effect before consummation.

Article 52

Article 52

A void () marriage shall be the marriage that fails to fulfil one of its preconditions and shall not give rise to any legal effects.

Part 4

Stipulations Associated with Marriage Conclusion

Article 53

Article 53

A marriage contract that contains a condition contradicting its essence shall be void. If it contains a condition that contradicts its necessary legal implication or which Islamic Sharia forbids, such condition shall be void but the contract valid. If it contains a condition that contradicts neither the essence nor the necessary implication of a marriage contract nor which Islamic Sharia forbids, such condition shall be valid and enforceable, and such non-satisfaction shall give the party imposing it the right to claim rescission. Conditions may be proved by Evidence.

Article 54

Article 54

The right to claim rescission shall lapse, if it is, expressly or impliedly, waived or dropped by the owner.

Part 5

Rights of Husband and Wife

Article 55

Article 55

A valid marriage shall give rise to mutual rights between the spouses and private rights for each as against the other in accordance with the provisions of this Law

Article 56

Article 56

The mutual rights of spouses:

1. Freedom of Sexual union in accordance with Sharia.
 2. Protection of the chastity of each by the other.
 3. Lawful cohabitation.
 4. Good company, mutual respect, kindness, intimacy and conservation of the family's welfare.
 5. Caring for, nurturing and good raising of the Children to ensure their best development.
 6. Mutual respect by each to the parents and relatives of the other.
-

Article 57

Article 57

Rights of the wife as against her husband:

1. Dowry.
 2. Legal support or maintenance (permanent Alimony).
 3. Permission to exchange amicable visits with her parents and relatives.
 4. Nonintervention in her private property.
 5. Refraining from hurting her physically or morally.
 6. Equal treatment to the other wives in the case of polygamy.
-

Article 58

Article 58

Rights of the husband as against his wife:

1. Take care and obey him.
 2. Look after her and his property well.
 3. Look after the household and regulate affairs thereof.
 4. Take care of his Children and breastfeed them, unless there is a legal disability.
-

Part 5

The Effects of Marriage

Chapter One

Maintenance

Section 1

General Provisions

Article 59

Article 59

The Judge shall require the claimant of marital support to list their items exhaustively so that all their financial claims are listed, and if anything is omitted, the claimant shall be debarred from claiming it by a new claim except after the elapse of one Year from the date of the Court of First Instance court judgment.

Article 60

Article 60

The marital support may be increased or reduced according to the change of circumstances.

Unless the financial status of the husband has changed, no claim for increasing or decreasing the marital support shall be heard except after the elapse of one Year from the date of the alimony decree.

Section 2

Marital Support

Article 61

Article 61

Marital support for the wife by the husband shall become incumbent upon him on conclusion of the proper contract unless the wife fails to surrender herself to him.

Marital support shall include food, clothing, accommodation, medication and all that is necessary for human living according to custom.

Unless otherwise agreed by the two parties, marital support arrears of no more than three Years, preceding the date of Filing the Claim, shall be decreed for the wife.

An increase or decrease of marital support shall be computed as from the date of Filing the Claim. If the wife alleges entitlement to previous marital support during wedlock or after separation, the presumption shall be that living together necessarily entails spending and she shall be required to prove otherwise. If she fails, it shall be decreed according to the husband's word and oath.

Article 62

Article 62

Assessment of marital support shall take into account the supporter's financial capacity, the status of the supported and the economic situations in terms of place and time.

Article 63

Article 63

The Judge, while deciding the case, may decree, upon the request of the wife, a temporary support for her, and such decree shall be enforced immediately.

Article 64

Article 64

The husband shall prepare for his wife, in the place of his residence, a legally proper accommodation fitting their status.

Article 65

Article 65

The wife shall reside with her husband in the accommodation he has prepared and move with him when he moves from it, unless she stipulates otherwise in the marriage contract or he intends by such moving to distress her.

Article 66

Article 66

The wife shall have no right to accommodate her Children from another husband in her marital home, unless they have no custodian other than her or they would be disadvantaged by parting with her and the husband has agreed to that expressly or impliedly. The husband shall have the right to accommodate his parents and his Children from other women with his wife in the conjugal abode, if he is responsible for their support, provided that she may not be disadvantaged.

Article 67

Article 67

The husband shall have no right to accommodate with his wife another wife in one and the same accommodation except with her consent, and she may revoke such consent whenever she feels to be disadvantaged.

Article 68

Article 68

The husband shall allow his wife to complete her compulsory education, and facilitate continuation of her university education within the State, provided that this shall not conflict with her family duties.

Article 69

Article 69

The wife shall be considered disobedient so as to be disentitled to marital support in the following circumstances:

1. If she refuses to surrender herself to the husband or to move to the marital home without legitimate reason.
2. If she leaves her marital home without legitimate reason.
3. If she prevents the husband from entering into the marital home without legitimate reason.
4. If she refuses to travel with her husband when moving to another dwelling without legitimate excuse or if she travels without his permission.
5. If she works outside the home without the permission of her husband, unless he is abusing his right in preventing her from working.

Article 70

Article 70

A woman who observes a waiting period (Iddat) upon divorce or rescission shall be entitled to alimony, unless the rescission occurred because of her actions. A pregnant woman who observes Iddat shall be entitled to alimony until she gives birth.

Article 71

Article 71

A widow who observes Iddat shall be entitled to stay for the full waiting period in the marital home and to demand a temporary maintenance to be deducted from her share in the inheritance on distribution of the estate of her deceased husband among the heirs.

Article 72

Article 72

The alimony of a woman who observes Iddat upon a revocable divorce shall end on her leaving the marital home without lawful reason.

Article 73

Article 73

The obligation of marital support shall end by:

1. Performance.
 2. Discharge.
 3. Death of one of the spouses.
-

Section 3

Relatives' Support

Article 74

Article 74

Support for relatives in the case of need shall fall upon the relative who is able to support to spend on them as much as is customary or as he is able.

Article 75

Article 75

Support for the young Child who has no property shall be upon his father, until the female marries and the male reaches the age when his like can earn their living, unless he is student, in which case until he completes his education successfully. Support for a grown-up Child who is unable to earn living due to a disability or other infirmity shall be upon his father if he has no property to spend from.

Support for the female child, unless she has property, shall be restored to her father once she is divorced or widowed, or there is no other person who is bound to support her.

If the property of the Child is not sufficient to support it, the father shall be bound to supplement it subject to the foregoing conditions.

Article 76**Article 76**

Support for a Child under Child custody shall be upon the Child's property, if any, otherwise it shall be upon the person liable to support such Child.

Support for a Child under Child custody shall include food, clothing, housing, medication, schooling, necessary travelling and all other needs according to custom.

Article 77**Article 77**

The father shall be responsible to pay for the costs of his Child's fostering, if the mother cannot breastfeed the Child. Such costs shall be included under Child support.

Article 78**Article 78**

Child support shall be upon his wealthy mother, if the Child has lost his father, grandfather or the latter have no property or are insolvent.

Article 79**Article 79**

Child support shall accrue against his father as of the date of Filing the Claim.

Article 80**Article 80**

A wealthy Child, male or female, young or grown-up, shall support its parents if they have no property to spend from.

If the property of the parents is not sufficient to support them, their wealthy Children shall be bound to supplement it.

The parent support shall be distributed upon the Children according to the affordability of each.

If one of the Children has spent to please his parents, he shall not have the right to recourse on his brothers; if the spending was pursuant to a judicial decree, he shall be entitled to recourse on each of his brothers as decreed.

Article 81

Article 81

If the Child earns no more than is needed for himself, wife and Children, he shall be bound to include his parents in his family.

Article 82

Article 82

Subject to the provisions of Article 78 of this Law, support for any person entitled to it shall be upon the person among his wealthy relatives who will inherit from him/her according to their inheritance order and shares. If such heir is insolvent, the obligation to support shall devolve on the next heir.

Article 83

Article 83

If the persons deserving support are several and the person bound to support them is unable to support all of them, support for the wife shall have priority, then the Child, parent and relatives respectively.

Article 84

Article 84

Support for a relative shall accrue as of the date of Filing the Claim.

Section 4

Foundling Child Support

Article 85

Article 85

Support for the foundling Child of unknown parents shall be upon its property, if any, and if there is neither such property nor any benevolent supporter, it shall be upon the State.

Chapter Two

Parentage Provisions

Section One

Proof of Parentage

Article 86

Article 86

Proof of parentage shall be established by the existence of a marriage bed, admission or testimony.

Article 87

Article 87

The minimum period of gestation shall be six (6) Months and the maximum shall be one (1) Year.

Section 2

Proof of Parentage by the Marriage Bed

Article 88

Article 88

Proof of parentage of a Child shall be established by the marriage bed if born of a marriage that lasted for the minimum period of gestation and if cohabitation between the spouses was possible.

Proof of parentage of a Child shall be established by the marriage bed if born within the maximum period of gestation in the case of separation between the spouses or death of the husband.

Proof of parentage of a Child of an invalid marriage contract or dubitable sexual intercourse shall be established if born during the minimum period of gestation starting from the date of such sexual intercourse.

Section 3

Proof of Parentage by Admission

Article 89

Article 89

Proof of parentage/ Filiation shall be established by admission even during terminal illness under the following conditions:

1. The admission must relate to a person of unknown parentage.
2. The admission must be made voluntarily by an adult person of sound mind.
3. The admission must not belie reason or custom.
4. The person whose parentage is admitted, if an adult of sound mind, must approve the admission.

Annexation shall be considered an admission of paternity by a man under the conditions set out in the preceding paragraph.

Article 90

Article 90

If the person making the admission is a married woman or a woman observing Iddat, proof of parentage against her husband or divorcer shall not be

Article 91

Article 91

Proof of paternal or maternal parentage may be established by the admission of the person whose parentage is not known if approved by the person against whom it is made or otherwise proved by Evidence if, from the age difference, such is possible.

Article 92

Article 92

Proof of parentage may not be established by an admission placing parentage on a third person.

If an admission is made by a dying person to another person of things other than paternity, filiation or maternity, such admission shall be used against the admitting person only and shall not be used against a third person except by approval of the latter or otherwise proved by Evidence.

Section 4

Proof of Parentage by Testimony

Article 93

Article 93

Parentage may be proved by the testimony of two men or a man and two women.

Article 94

Article 94

Proof of birth and identity of the Child born may be established by the testimony of one Muslim, competent witness, male or female.

Article 95

Article 95

Proof of parentage may be established by hearsay Evidence.

Section 5

Denying Parentage by Li'aan (Mutual Cursing)

Article 96

Article 96

Mulaa'na "mutual swearing and cursing" for condemning pregnancy, pursuant to the provisions of Article 151 of this Law, shall have the effect of rebutting parentage by the curser (Mula'in). Parentage of the Child born of such pregnancy shall be restored if the husband belies what he said, even after the rebuttal decree.

Section 6

Parentage Claims

Article 97

Article 97

No claim for parentage that imposes such parentage on a third person shall be heard, except as part of a claim for claiming a legal right

Article 98

Article 98

A parentage claim for paternity or filiation may be heard as such or as part of a claim for claiming a legal right while the defendant is alive.

Article 99

Article 99

No claim of parentage by paternity or filiation may be heard after the death of the defendant, except as part of a claim for claiming a legal right.

Article 100

Article 100

No claim by the heirs of a person admitting parentage for rebutting such parentage shall be heard after it has been established by a proper admission.

BOOK TWO

Separation of Spouses

Part 1

General Provisions

Article 101

Article 101

Separation between the spouses may be effected by:

1. By the decision of the husband and is termed divorce.
 2. Agreement between the spouses, termed "Mukhala'h" or "khul" or (redemptive divorce).
 3. Judicial decree, termed "faskh"(rescission).
 4. Death of one of the spouses.
-

Article 102

Article 102

A Judge considering a separation claim shall take all provisional measures necessary to secure a temporary alimony for the wife together with Child support, custody and visitation rights.

Article 103

Article 103

Judges may declare a couple separated on the ground of forbidden marriage, the conversion of the wife to Islam or the failure of one of the preconditions of the marriage contract, until passing judgment thereupon.

Article 104

Article 104

If "khul"(redemptive divorce) or separation is made with an agreed consideration paid by wife willingly, such consideration shall be satisfied before decreeing rescission or khul(redemptive divorce).

Article 105

Article 105

Rescission shall be considered dissolution of the marriage contract on the ground of a defect associated with its conclusion or subsequent intervention with the effect of preventing its continuance. Rescission shall be an irrevocable separation (ba'in), but shall not reduce the number of divorces. Every judicial separation shall be considered a rescission.

Part 2

Divorce

Article 106

Article 106

Article 107

Article 107

Divorce may take effect by:

1. Express pronouncement or writing, and in the case of inability to pronounce or write, by understandable gesture.
 2. Metonymy (implication), if the husband intended divorce.
-

Article 108

Article 108

Divorce may not take effect:

1. If it is equivocal or conditional, intended to pressure for doing or not doing something, or to believe or disbelieve in something.
 2. For a wife who has consummated her marriage, during Iddat or menstruation cycle or during post-menstruation cleanness in which sexual intercourse occurred.
 3. On breaking an oath to divorce or "tahreem" (to consider the wife as forbidden).
 4. Repeating pronouncements of divorce or associating it with numbers, whether verbally, in writing or by gesture, shall be considered but only one divorce.
-

Article 109

Article 109

Divorce may be effected by the husband personally or his agent having a special power of attorney to that effect, or by the wife if the husband gave her such power.

Article 110

Article 110

For a divorcer to effect divorce, he must be of sound mind and act of his own free will.

Divorce by an insane person, by a person under an intellectual disability, by a person under duress, or by a person who lacks comprehension because of intoxication, anger or otherwise, shall have no effect.

Article 111

Article 111

Divorce may be revocable and irrevocable:

1. A revocable divorce shall not end the marriage contract until expiration of the Iddat waiting period.
2. An irrevocable divorce shall end the marriage contract immediately on occurrence of the same. It shall be of two kinds in terms of effect:
3. Minor disunion or separation: The divorced woman may not remarry her ex-husband except by a new contract and dowry.
4. Major disunion or separation: The divorced woman may not remarry her ex-husband until after the expiry of her Iddat period by a second proper marriage actually consummated according to Sharia law.

Article 112

Article 112

Every divorce shall be revocable except divorce for the third time, a divorce before consummation and a divorce stated in this Law to be irrevocable or rescinded.

Article 113

Article 113

Divorce may occur by the husband formally pronouncing it before the Judge. Before ordering such pronouncement, the Judge shall attempt to reconcile between the parties.

A divorce occurring outside the court room shall be proved by Evidence or admission and shall have been communicated to the wife.

Article 114

Article 114

After pronouncement of divorce, the Judge shall make an order as to the amount of alimony for the wife during her Iddat, Children support and the rights to Child custody and visitation. Such order shall have immediate enforceable effect.

Article 115

Article 115

A divorced woman shall be entitled to enjoyment compensation if the divorce is made by the husband without any fault on her part.

A divorce for non-support due to insolvency of the husband shall be exempted from the provisions of the preceding paragraph.

Enjoyment compensation shall be assessed based on the wealth of the husband and the status of the wife and shall not exceed three Years of her alimony.

Article 116

Article 116

A husband shall have the right to revoke the divorce and return to his divorcee before expiry of her Iddat if the divorce is revocable, and such right may not be waived

Article 117

Article 117

Revocation may occur by words or in writing and in the event of inability to speak, by understandable gestures. Revocation shall be notarized and

Part 3

Khul': (Redemptive Divorce)

Article 118

Article 118

Khul' (redemptive divorce) is a dissolution of a marriage contract by mutual consent of the husband and wife expressed in the word of "khul'" or its meaning, with consideration from the wife. It is not conditioned by post-menstruation cleanness. It shall be considered a rescission.

Article 119

Article 119

For khul' to be valid, the wife must have the capacity to offer and give, and the husband to effect, divorce.

Article 120

Article 120

Consideration for khul' may not be a waiver of Child custody or any Child right.

Article 121

Article 121

Khul' shall be valid even where the consideration is invalid; such consideration shall be void and the Judge shall assess the appropriate consideration.

Article 122

Article 122

If the couple cannot agree on khul' (redemptive divorce), the Court shall attempt to reconcile between them by appointing two arbitrators to conduct reconciliation within a period not exceeding six Months. If the two arbitrators cannot reach a settlement, and the wife demands khul' for consideration of waiving all her financial legal rights and refund of the dowry money, the Court shall order the separation between them.

Part 4

Separation by Judicial Decree

Chapter One

Separation on the ground of Defect or Illness

Article 123

Article 123

Each of the spouses may request separation on the ground of a defect or chronic illness which makes marital life impossible to continue, and for which there is no cure or for which a cure can be hoped for only after an elapse of more than one Year, whether such illness is mental or physical and whether contracted before or after the marriage contract.

Article 124

Article 124

The right to request separation on the ground of defect or chronic illness shall lapse if the defect or chronic illness was made known before the marriage contract, or expressly accepted after it.

Article 125

Article 125

Notwithstanding the provisions of the preceding Article, the wife's right to request separation because of the husband's defects such as impotency or castration, whether congenital or accidental, shall not lapse even if she explicitly accepts such defects.

Article 126

Article 126

If, by medical checkup, it is proved that impotency is incapable of being cured or that a cure can be hoped for only after an elapse of more than one Year, the Court shall separate the spouses upon the request of the wife without adjourning the decision of the claim. The court has the right to postpone divorce proceeding for a year if it can be proven that impotency can be treated in less than a year. If after adjourning the decision of divorce, it is proven that the husband has been cured; the divorce claim shall be rejected. In case of insistence the court shall separate the spouses.

Article 127

Article 127

To identify defects or illnesses, the Court shall consult experienced medical experts.

Chapter Two

Separation on the ground of Not Settling Due Dowry

Article 128

A wife who has not consummated her marriage shall be granted a separation decree for not settling her due dowry in the following two cases:

1. If the husband has no ostensible property to settle the dowry.
2. If the husband's insolvency is apparent or his financial status is unknown and the period fixed by the Court expired without settling the dowry.

No separation decree shall be made for failure to settle the due dowry to a wife after consummation of marriage and the dowry shall remain a debt of the husband to be paid to the wife.

Chapter Three

Separation on the ground of Detriment (Dharar) and Breach (Shiqaq)

Article 129

Article 129

The wife, before or after consummation of marriage, shall have the right to request separation on the ground of detriment which makes marital life impossible to continue for her like. The Judge shall attempt to reconcile between the spouses.

If reconciliation cannot be achieved and detriment is proved, separation shall be decreed. Detriment may be proved by Evidence including hearsay testimony.

Article 130

Article 130

If detriment is not proved and breaches between the spouses continue while reconciliation by the Judge cannot be achieved, the Judge shall appoint two arbitrators from their respective relatives who are likely to have the ability to reconcile between the couple; if there are no such arbitrators from their relatives, then appointment shall be from outside their families. The Judge shall decide the duration of the arbitration.

Article 131

Article 131

The arbitrators shall seek the causes of marital breaches and attempt to reconcile the couple.

The arbitrators shall make a report to the Judge of their attempts and state to what extent each of the spouses has contributed to the breaches together with their opinion.

Article 132

Article 132

The Judge may adopt the report of the two arbitrators if it complies with the provisions of the preceding Article, otherwise he shall appoint other arbitrators by a substantiated decision to start reconciliation afresh, or add a third arbitrator to join the existing two arbitrators.

Article 133

Article 133

The Judge may decree separation based on the two arbitrators' report in cases where reconciliation cannot be achieved and breaches continue between the spouses. If the two arbitrators do not make their report and differences between the spouses are intensifying, he shall decree their separation.

Article 134

Article 134

If the Judge is of the opinion that the separation of the spouses should be decreed and that the wife is largely or wholly to blame, he shall separate between them with property to be given by the wife as determined by the Judge after perusal of the two arbitrators' report. If the husband is largely or wholly to blame, or both are to blame or blame cannot be established, he shall separate between them without property to be given by one to the other.

Article 135

Article 135

If the spouses agree to separate with consideration, but differ over the amount of such consideration, the Judge shall attempt to reconcile such difference. If the Judge cannot achieve reconciliation and the difference becomes intensified, he shall decree their separation upon consideration to be determined by him.

Article 136

Article 136

If a wife requests separation before consummation of marriage, and offers her dowry and all property received and waives her financial rights, and the husband refuses to divorce her upon a reasonable justification, the Judge shall attempt to reconcile between them. If the Judge cannot achieve such reconciliation and the difference becomes intensified, he shall decree their separation upon the property offered by the wife.

Chapter Four

Separation on the ground of Non-Support and Insolvency

Article 137

Article 137

If a wife requests separation on the ground of lack of spending on her by her present husband, who has no ostensible property, and refuses to spend, and claims insolvency and insists not to spend, their immediate separation shall be decreed

Article 138

Article 138

If a wife requests separation on the ground of lack of spending on her by her present husband, who has no ostensible property, and refuses to spend, and claims insolvency and proves it, the Judge shall grant him a respite period not exceeding three Months; if he does not spend on his wife thereafter, the Judge shall decree their separation

Article 139

Article 139

If a wife requests separation on the ground of lack of spending on her by her present husband who has no ostensible property, and refuses to spend, and claims insolvency, but he is unable to prove it, the Judge shall fix a period for him, of not exceeding one Month, during which to spend on his wife, otherwise they shall be separated thereafter.

Article 140

Article 140

If a wife requests separation on the ground of lack of spending on her by her husband, who is absent in a known place at which he can be served notice, and he has no ostensible property or left her no property to spend from, the Judge shall grant him a period of four Months during which to spend on his wife, otherwise they shall be separated.

Article 141

Article 141

If the wife requests separation on the ground of lack of spending on her by her husband, who is absent in an unknown place, and he has no ostensible property, and left her no property to spend from, the Judge shall decree their separation.

Article 142

Article 142

Subject to the provisions of the preceding two Articles, the Judge shall decree separation between the spouses only after proving the claim and the wife taking the judicial oath that that her maintenance has not been satisfactory

Chapter Five

Separation on the ground of Absence, Being Missing and Imprisonment

Article 143

Article 143

A wife may request separation on the ground of the absence of her husband, whose domicile or place of residence is known, for a period of one Year or more, even if he has left property from which maintenance can be satisfied. The Judge shall fix a date for him not exceeding two Months cautioning him either to come back to live with her or transfer her to him or divorce her; otherwise their separation shall be decreed.

Article 144

Article 144

A wife may request separation from her husband who is missing or absent in an unknown place for a period not less than one Year. The Judge shall decree their immediate separation without adjourning, even if the husband has property.

If the missing husband returns or it transpires that he is alive, he shall take his wife, unless she has consummated marriage with another husband without knowledge of the first husband still living, in which case she shall be the second husband's wife.

Article 145

Article 145

If a husband is imprisoned by a final judgment for a period of not less than two Years, the wife may request separation. However, separation may be decreed only after the elapse of one Year from the date of imprisonment.

Chapter Six

Separation on the grounds of Ilaa, Zihar, Li'aan, Apostasy, and the Wife Converting to Islam

Section 1

Separation on the ground of ILaa (Temporary Desertion)

Article 146

Article 146

"ILaa" occurs when the husband make an oath to cease copulation with his wife permanently or for a period of time with a minimum four months

Article 147

Article 147

A wife may request separation on the ground of ILaa, unless the husband breaks his oath before the elapse of four Months after ILaa.

The Judge shall order the husband to either break his oath or divorce her; if he refuses, separation shall be decreed

Section 2

Separation on the ground of Zihar (Permanent Desertion)

Article 148

Article 148

Zihar occurs when a husband compares his wife and/or her body parts to that of another woman forbidden to him to marry.

Article 149

Article 149

Zihar must be made by express articulation, not by implication, unless the husband has intended it or there is circumstantial Evidence pointing thereto.

Article 150

Article 150

A wife shall be entitled to request separation on the ground of Zihar if the husband refuses expiation. The Judge shall caution him to expiate for Zihar within four Months from the date of such cautioning; if he refuses, separation shall be decreed

Section 3

Separation on the ground of Li'aan (Mutual Cursing)

Article 151

Article 151

Li'aan shall occur by a husband testifying four times, swearing by Allah that his accusation of his wife of adultery or his denial of parentage is true and a fifth testimony that the curse of Allah shall be upon him if his accusation is false.

And the wife shall testify four times, swearing by Allah that his accusation of her of adultery or his denial of parentage is false and a fifth testimony that the wrath of Allah shall be upon her if his accusation is true.

Article 152

Article 152

After completing Li'aan, the Judge shall decree the absolute separation between the spouses.

Section 4

Separation on the ground of Apostasy

Article 153

Article 153

Separation shall occur between the spouses immediately upon one of them or both turning apostate if such apostasy occurred before consummation of marriage

Article 154

Article 154

The Judge shall separate between the spouses on apostasy of one of them after consummation of marriage after giving them time to repent and come back to Islam within a period the same as the waiting period of Iddat; if no such repentance occurs, he shall decree their separation.

Section 5

Separation on the ground of the Wife Converting to Islam

Article 155

If a wife, whose husband is not a Muslim, converts to Islam before or after consummation of marriage, the Judge shall give the husband time to convert to Islam within a period the same as the waiting period of Iddat; if no such conversion occurs, he shall decree their separation.
If spouses convert to Islam or the husband converts to Islam and the wife is Christian or Jewish, there being no forbidding causes between them, their marriage shall remain valid.

Part 5

Effects Of The Separation Of Spouses

Chapter One

Iddat (Prescribed Waiting Period)

Section 1

General Provisions

Article 156

Article 156

Iddat is a mandatory waiting period ensuing upon separation between spouses during which the wife shall remain without marriage.

Article 157

Article 157

Iddat shall start as from the occurrence of separation and in the case of judicial separation as from the date when the judgment becomes final

Article 158

Article 158

No Iddat shall be required before consummation of marriage or proper marital seclusion except in the case of death (widows).

Article 159

Article 159

A divorced woman and a widowed woman shall observe their Iddat in the marital accommodation provided for them.

Section 2

Iddat of Widow

Article 160

Article 160

The Iddat of the widow, whose marriage was proper, shall expire after four Months and ten days if she is not pregnant.

The Iddat of a pregnant widow shall end on giving birth to a Child or on the miscarriage of a clearly formed foetus.

The Iddat of the widow, who consummated an improper or dubitable marriage, shall observe the divorce Iddat to ensure she is not pregnant, unless she is pregnant in which case she shall observe her Iddat until delivery.

Section 3

Iddat of Wife other than Widow

Article 161

Article 161

The Iddat of a divorced pregnant woman, who is not widowed, shall end on giving birth to a Child or on miscarriage of a clearly formed foetus.

The Iddat of a menstruating divorced woman, who is not widowed, shall end as follows:

1. After three (3) complete menstrual cycles, and her testimony shall only be accepted after the elapse of sixty days.
 2. After three (3) months for those who have never menstruated or have reached the menopause and stopped menstruation; if she notices menstruation before the end of this period, she shall continue her Iddat for three complete menstrual cycles.
 3. After three (3) the women who has continual blood flow shall complete three months. If this is a normal occurrence, of which she has knowledge, she shall count her Iddat accordingly.
 4. After three (3) Months for those whose menstruation has stopped before the menopause, in addition to a formal medical certificate that she is not pregnant.
-

Article 162

Article 162

In all cases, the waiting period of Iddat shall not exceed one Year.

Section 4

Overlapping of Iddats

Article 163

Article 163

If a husband dies while his wife is observing the Iddat of a revocable divorce, she shall move to the death Iddat without taking into account the period she has already spent in the divorce Iddat.

Article 164

Article 164

If a husband dies while his wife is observing the Iddat of an irrevocable divorce, she shall complete it without moving to the death Iddat, except in the case of divorce from the fugitive during the terminal illness, in which case she shall observe the farthermost of the two periods of divorce and death.

Chapter Two

Child Custody

Article 165

Article 165

Child custody shall be for keeping, maintaining, nurturing, upbringing and educating the Child.

Article 166

Article 166

Child custody shall be the duty of both parents in wedlock. Should the parents separate, even without divorce, the mother shall have priority for Child custody, unless the Judge decides otherwise in the interest of the Child.

The Judge shall attempt to reconcile the two partners, provided that such reconciliation shall not conflict with the interest of the Child.

Child custody shall be a reviving right; if it has lapsed for a legal disability or has been decreed as such and then such disability or reason therefore lapses, the right of Child custody shall revert to its previous owner.

Child custody shall be a joint right of the Child and the custodian, with the Child's right being the strongest.

Article 167

Article 167

To be eligible for Child custody, a person shall satisfy the following conditions:

1. Have reached puberty or maturity.
 2. Be of sound mind.
 3. Be honest or trustworthy.
 4. Possess the ability to nurture, raise, maintain and care for a Child so as to achieve its interests.
 5. Be free from dangerous contagious or infectious diseases.
 6. Be a mahram of the Child in the case of difference in sexes.
-

Article 168

Article 168

Subject to the conditions set forth in the preceding Article, the custodian shall satisfy the following conditions:

1. If the custodian is a female, she must not be married to a husband who is a stranger to the Child, if such marriage is consummated, unless the Court decides otherwise for the Child's interest.
 2. If the custodian is a man, he must have the same religious faith as the Child and he must have with him a female from his relatives who is fit to perform the duties of custodian.
-

Article 169

Article 169

The right to Child custody shall vest in the following order:

The mother

The father

Mothers of the father, starting with the closest;

Mothers of the mother, starting with the closest;

Grandfather, however remote, upwards;

Mothers of grandfather, starting with the closest;

Full sister,

Maternal half-sister,

Paternal half sister,

Maternal aunts, starting with the closest;

Paternal aunts, starting with the closest;

Father's maternal aunts, starting with the closest;

Father's paternal aunts,

Brothers' and sisters' daughters, uncles and paternal aunts' daughters, then daughters of father's paternal aunts.

If a competent custodian cannot be found from among the persons stated in the preceding paragraph, the right to Child custody shall move to the agnates according to their order as heirs; if no competent person among them can be found, the right shall move to the mahrams of the Child under custody, starting with the closest.

If a custodian from the mahrams of the Child or a married mahram, the Court shall have the option either to join the Child with an entitled person of a different sex or entrust it to an honest and a trustworthy woman.

If entitled custodians are equal in order, the one most suitable for Child custody and the most pious shall be preferred; if they are equal in fittingness and piety, the eldest shall be given preference.

The Judge may transfer the Child custody from a close entitled person to distant entitled person if conflict arises. The judge shall reserve the right to make the final decision that is in the best interest of the child.

Article 170

Article 170

The Judge shall take into consideration the following when granting custody of the child:

1. The most pitiful for the child and the most able to raise the child.
 2. The capacity and ability to provide good, safe and nurturing environment for the child that can protect him from wrongdoing..
 3. The ability to provide the best medication and education for the child.
 4. The ability to inculcate good mannerism to the child.
 5. Other qualifications that may benefit the child.
-

Article 171

Article 171

The female custodian shall allow the guardian or agnate to perform his duties as a guardian to supervise the good upbringing of the Child and protect him from wrongdoing, and to provide the best medication and education to prepare him for his future.

Article 172

Article 172

Should the qualified custodian refuse to accept custody of the child, the right shall cede to the next qualified custodian. Should there be none willing to accept the custody of the child, the judge reserves the right to entrust custody of the child to a reliable family or person for custody.

Article 173

Article 173

Custody of children granted to women shall terminate when a male child completes thirteen (13) years of age and the female child completes fifteen (15) years of age, unless the Court rules otherwise. After investigating the interest of the Child, the Court may permit such custody to continue until the male Child attains fifteen (15) Years of age and the female Child consummates marriage, or enable Child under custody to choose between the disputing custodians after investigating their suitability. In all cases, the Court shall give the reasons for its decision.

Notwithstanding the provisions of the preceding paragraph, female custodianship may continue if the Child under custody is mentally ill or his illness is debilitating.

The agnate or guardian may not take the Child after termination of the female custodianship except by consent or judicial permission.

If there is no judicial decree on guardianship and the agnate or guardian forcibly took the Child during the age of female custodianship, the Judge may, upon request of the female entitled, temporarily return the Child to her, with or without her personal surety, and direct the agnate or guardian to file a guardianship claim before the competent Court.

Article 174

Article 174

If the agnate filed a claim for Child custody after the Child passed the age of female custodianship, and the female custodian replied by claiming herself more suitable than him and she proved how, then if he concurred with her or denied her claim but she proved it, his claim shall be dismissed. If she failed to prove her claim and requested his oath on her not being more suitable than him and he took the oath, he shall be granted custody of the Child. If he refused to take oath or returned it to her, his claim shall be dismissed.

If the agnate's denial of the better suitability of the female custodian is coupled with claiming his own better suitability, the Court shall require each to prove their claim of better suitability and then weigh their Evidence; if they are equal, the Court shall give preference to the agnate.

Article 175

Article 175

A non-Muslim mother who is not an apostate shall have the right to Child custody until the Child becomes capable of understanding religious faith or until it is feared that the Child may embrace a religion other than Islam. Nevertheless, the Child may not remain with her after attaining the seven Years of age.

Article 176

Article 176

The guardian of the Child may retain the passport of the Child save for when travelling when it shall be delivered to the female custodian of the Child.

The Judge may order that the female custodian shall keep the passport of the Child if he considers that the guardian may not hand over the passport timely when needed.

The female custodian may keep the original birth certificate of the Child and any other evidential documents of the Child, or certified copies thereof in addition to his identity card.

Article 177

Article 177

If the divorced female custodian is a foreigner living with her relatives in Qatar or resident under the sponsorship of another before marrying, her divorcer shall transfer her sponsorship to another suitable sponsor. If he refuses, the Court shall order the transfer of her sponsorship. The guardian may not cancel the sponsorship of the Child under custody until expiration of the custody.

Article 178

Article 178

The female custodian shall be entitled to a custody payment upon the actual end of marriage until the female Child custody terminates. Estimation of such payment shall take into account the status of the guardian of the Child under custody and the custodian.

Article 179

Article 179

Upon disagreement between the guardian of the Child and the female custodian over the estimation of the status of solvency and insolvency, the guardian shall prove his insolvency by all means of proof; if he fails, it shall be decreed for the custodian upon her word and oath.

Article 180

Article 180

The place of the Child custody shall be the country of the guardian. The case of a woman who is contracted for marriage while residing in Qatar shall be exempted from this rule.

Article 181

Article 181

If the Child under custody, the female custodian or her guardian has no accommodation for custody, or the Child under custody has insufficient funds to

rent a accommodation for custody, the guardian of the Child under custody shall provide a suitable accommodation for the custodian or pay the rental for such accommodation. If the custodian is divorced, her accommodation shall be the responsibility of her guardian, and the guardian of the Child shall pay his share of the rental.

Subject to the provisions of the preceding paragraph, if the female custodian lives with her relatives in rented accommodation, the guardian of the Child under custody shall be required to pay a rental to be determined by the Court, taking into account the number of Children under custody. If her relatives are consenting to her living with them without paying rental, she shall not be entitled to rent payment.

Where the father of the Child under custody has accommodation from the State for married persons or because of marital status, the benefit of such accommodation shall be divided between the guardian of the Child and the female custodian in a fair and lawful manner satisfying the needs of each party.

Article 182

Article 182

Guardians, agnates or those entitled to Child custody may institute claims for disqualification of a custodian who is negligent or careless, too busy to care for the Child as to raise fears for his getting lost, being of bad conduct, or not being a Muslim and the Child has attained five Years of age.

Article 183

Article 183

Custodianship shall cease in the following cases:

1. Where one of the conditions for custodians provided for in Articles 167, and 168 of this Law are no longer met.
 2. Where the new female custodian starts to live with a former custodian whose custody was cancelled for violating custodianship; bad conduct, disbelief in Allah, or contracting a dangerous contagious disease.
 3. Where the father or guardian of the Child cannot discharge his duties of supervision, education and schooling towards the Child under custody by reason of the custodian taking the Child, without permission of the guardian, to reside with her in a country which is difficult to reach, unless the Court deems the interest of the Child requires otherwise.
-

Article 184

Article 184

Should custodian entitled to custody, for no reason, fail to assume custody of the child for the period reaching one Year, after his knowledge that the custodian's marriage has been consummated, he shall lose the right to claim custody until that of the present custodian expires, unless the Court deems otherwise for the interest of the Child.

Article 185

Article 185

A custodian mother may undertake safe travel with their children to any destination. The judge shall intervene should the guardian prevent the mother from such travels, if the Judge is satisfied that the person having the right of permission has abused such right. Sponsors of foreign custodian women shall guarantee their return should they require to travel with children in emergency situations.

Fathers and grandfathers of male children may travel with male children who are seven years of age for a reasonable period of time. Should there be a dispute regarding the period of travel the child may undertake with their fathers and grandfather, the judge shall intervene and determine an appropriate period.. Only fathers, grandfathers and the agnate relatives may travel with the child in custody. Permission for others members of the family wishing to travel with the child shall be determined by the judge.

Should the guardian of the child suspect that the foreign custodian woman may not return with the child, the guardian may request a court interdict to stop the travel, if such failure to return is likely. Should the court agree and be convinced of the reason for preventing the child to travel an interdict shall be granted. The decree permitting travel shall become enforceable only after the elapse of three days from its issuance without being appealed or after its confirmation by the appeal Court if appealed.

Article 186

Article 186

Parents may consensually agree on the exchange of visitation of their Child under custody howsoever and how frequently, save that such visitation may not result in Khalwa Muharama (intimate secret **illegal** meeting) .

Should the divorced parents not agree on the visitation schedule of the child, the judge shall decide the schedule, taking care to gradually change the period and frequency of visits with the Child's advancement of age and the needs of each of them.

The place of visitation shall usually be the Child's place of residence; in case of dispute, the Judge shall specify the suitable place of visitation.

The Judge may caution the custodian or guardian who defaults as to the time, place or duration of visitation and in the case of a guardian repeating such defaults he may deprive him of visitation for a temporary period. As to the custodian who is cautioned, the Judge may transfer the custody temporarily to the next person entitled, and if their defaulting continues, the Court may cancel their right of custody.

The party having the right of visitation shall be entitled to take the Child on holidays and social occasions and the Judge shall decide disputes in this regard.

If one of the parents or both are dead or absent, the right of visitation may vest in the mahram's relatives as the Court may deem appropriate.

If a right of visitation is decreed by the Court, both parties may petition the Judge to change such decree.

The judicial decree on visitation shall have immediate enforceable effect.

Article 187

Article 187

In claims for Child custody, matters of visitation of, travelling with or returning of a Child under custody to the entitled custodian shall be regarded as urgent matters which must be decided promptly in both first instance and appellate stages.

Article 188

Article 188

Execution of decrees transferring Child custody shall be gradual, observing the Child's interest.

In the event of the need to use coercive force to execute Child custody decrees, such force shall not be used against the Child under custody.

BOOK THREE

Competence and Guardianship

Article 189

Article 189

A person who has attained the age of majority by attaining eighteen Years of age shall have full legal capacity, unless he is placed under guardianship.

Article 190

Article 190

Guardian and custodians shall be responsible for the mentally incapacitated individuals, those who have incomplete capacity, missing and absent individuals, subject to the law of Guardianship of Property of Minors and similar provisions.

BOOK FOUR

Gift And Legacy

Part 1

Gift

Article 191

Article 191

A gift shall be considered as such when a living owner of property willingly donors ownership of such property without consideration. Conditional gifts made upon a certain consideration shall be regarded as sale, sale provisions in such situations shall apply..

Article 192

Article 192

Gifts are determined by the following elements: pronouncement, donor, recipient of the gift and the actual item intended as a gift. A gift shall be concluded by offer and acceptance, and shall become enforceable only upon possession or delivery and receipt.

Article 193

Article 193

An offer of a gift may be made in any form indicating the transfer of ownership without consideration, such as verbal expression, writing or understandable gesture.

Article 194

Article 194

Taking possession of the gift shall be tantamount to verbal acceptance thereof, whether such possession takes place before or after the gift offer. Actual possession of real estate shall arise upon the donor giving up possession and the donee taking possession, occupying the property gifted or disposing of or transacting in it as implying ownership. Constructive possession of real estate shall arise upon the donor abandoning or vacating the same for the donee to take possession without hinderances or upon registration with the competent authorities. Actual possession of movables shall arise by taking delivery thereof.

Article 195

Article 195

If the donor is the custodian of the Child or his/her guardian, the gift shall be concluded and binding by the offer only. If the donor is a person other than a custodian or guardian, it shall be concluded but shall become binding only upon possession or receipt by either of the guardian or custodian.

A recipient Child may accept a gift even if he/she has a guardian

Article 196

Article 196

A gift by one of the parents to his/her minor Children, or by one of the spouses to the other of household effects, shall be binding if the donor admits the gift even though he/she continues using or keeping it.

Article 197

Article 197

A donor must satisfy the following conditions:

1. Have full legal capacity, be an adult, be of sound mind and act of his/her free will, not be under guardianship or suffering from terminal illness.
 2. Be the owner of the gift.
-

Article 198

Article 198

The donee must be a living human being and may not be an embryo.

Article 199

Article 199

The gift must be property of value recognized by Sharia law, existing at the time of donation and owned by the donor.

Article 200

Article 200

A gift may not be dependent upon a stipulation contradicting its legally implied effects.

Article 201

Article 201

An undivided share in property, whether divisible or not, may be given in gift.

Article 202

Article 202

A gift made during terminal illness shall be governed by the will provisions.

Article 203

Article 203

A gift may not be revoked after it becomes binding by possession or receipt thereof, except gifts by parents to Children if such gift is still existing in the ownership and at disposal of the Child donee, retaining its same value and not being encumbered by third party rights.

Article 204

Article 204

The Court may rescind a gift in the case of a husband differentiating among his wives or a parent among sons. However, no such rescission shall be decreed if there is an acceptable reason for such differentiation.

No claim for such rescission shall be entertained if the entitled party, without reason, remains silent for one Year from his knowledge of the gift to claim such right.

Article 205

Article 205

A gift shall become and void for subsequent failure of any precondition or condition thereof provided for in this Part.

Part 2

Legacy

Chapter One

General Provisions

Article 206

Article 206

A Legacy shall be any gratuitous disposition intended to have legal effect after the death of the testator.

Article 207

Article 207

A Legacy made conditional on a future event or condition subsequent (divesting or restricting) shall be valid if such condition is valid.
A condition shall be valid if it serves a legitimate interest of the testator or legatee or other person if it is not prohibited by Sharia law or contrary to its tenets.

Article 208

Article 208

There shall be no Legacy for an heir, unless ratified by mature heirs, in which case it shall be enforceable within their shares.
Subject to the ratification by mature heirs within the limits of their shares, a Legacy may be granted to a non-heir in the part in excess of one third of the estate.

Article 209

Article 209

Ratification of heirs shall be valid only:
1. The process shall be concluded after the death of the benefactor/testator.
2. The beneficiaries of the Legacy must be legally allowed to donate.

Article 210

Article 210

In deciding whether a legatee is to be considered an heir or not, regard shall be had to the date of the testator's death, not the date of making the will.

Article 211

Article 211

Legacy provisions shall apply to dispositions made during the terminal illness with the intent of donation or favouritism.

Chapter Two

Preconditions and Conditions of Legacy

Section 1

Article 212

Article 212

Legacy preconditions are: the pronouncement, the testator/benefactor, legatee/beneficiary and estate bequeathed (the Legacy).

Article 213

Article 213

A will may be concluded verbally, in writing or, if the testator can do neither, by understandable gesture.

Section 2

The Testator

Article 214

Article 214

The testator must be of sound mind, be an adult and have capacity to gift.

If he is under guardianship for prodigality or inadvertence, his will for benevolence may be validated by permission or approval of the Court.

Section 3

The Legatee

Article 215

Article 215

The legatee must:

1. Have legal capacity to own property.
 2. Be identifiable.
 3. Actually or constructively exist on the date of the will, if identified. If not identified, he shall not be required to exist at the date of will or death of the testator.
-

Article 216

Article 216

A Legacy may be valid even between a testator and a legatee with different religions. A Legacy may be made to a definite or an indefinite class of persons, benevolent purposes, charitable bodies, scientific and educational institutions and public organizations.

Article 217

Article 217

A legatee must accept the will after the death of the testator or in his life or remain as such until after his death.

If the legatee is an unborn embryo, a minor or under guardianship, his/her/its guardian must accept the will and he may not reject it except by permission of the Judge.

A will for an indefinite person shall require no acceptance from any person, and may not be rejected by any person.

Acceptance or rejection on behalf of public institutions, organizations and other bodies shall come from the legal representative; if there is no legal representative, the will shall still be binding.

Article 218

Article 218

Acceptance of a will may not necessarily come immediately after the death of the testator. Silence of the legatee for thirty (30) days after his knowledge of the will shall be regarded as acceptance thereof

Article 219

Article 219

A legatee with full legal capacity may reject the will in whole or part.

Article 220

Article 220

Should the legatee die after the death of the testator without accepting or rejecting the will, such right shall transfer to his/her heirs.

Article 221

Article 221

Ownership of the Legacy shall vest in the legatee on the death of the testator.

The heirs of a legatee who dies before distribution of the Legacy shall be entitled to take his place.

Unless the testator has stipulated otherwise, the Legacy shall be distributed equally among the legatees.

If one of twin legatees is born dead, the living one shall alone own the estate bequeathed to unborn embryos.

Heirs of the testator may make use of the Legacy until the entitled legatee is found or appears.

Article 222

Article 222:

Article 223

Article 223

Those present from the unspecified category shall benefit from the Legacy and their share shall be revised whenever a birth or death occurs.

Article 224

Article 224

The existing legatees of an indefinite unspecified category capable of limitation may benefit from the Legacy before such limitation is made, and their shares shall be adjusted whenever a legatee is born or dies.

Article 225

Article 225

The proceeds of a Legacy to an indefinite category incapable of limitation shall be divided among the existing ones.

Article 226

Article 226

A Legacy to an indefinite class may be sold on the ground of fear of loss or depreciation and the proceeds thereof shall be used to buy a substitute from which the legatees shall benefit.

Article 227

Article 227

A Legacy for benevolent purposes, or charitable, scientific and educational institutions, shall be spent on their affairs of management, building, accommodation and other affairs, unless such spending is specified by custom or implication.

Section 4

The Legacy

Article 228

Article 228

Article 229

Article 229

A Legacy may be specific or unspecific. An unspecific Legacy shall comprise the testator's entire present and future estate.

Article 230

Article 230

Subject to the provisions of Article 208 of this Law, a will of an undivided share may be executed only within the limit of one third of the estate.

Article 231

Article 231

A Legacy may be in kind (*orrem*) or a benefit thereof for a limited or unlimited time.

Article 232

Article 232

If a definite estate is bequeathed to one person and then the same is bequeathed to another, it shall be divided equally between them, unless the second will proves to be a revocation of the first.

Article 233

Article 233

Subject to the provisions of Article 208 of this Law, if the specific property whose benefit is bequeathed is less the one third of the estate, such property shall be delivered to the legatee to derive such benefit therefrom in accordance with the will; if it is more than one third, the heirs shall be given the option to either ratify the will or give the legatee one third of the estate.

Article 234

Article 234

A legatee of the benefit of a specific property may use or make use of it otherwise than stated in the will, provided that he must not cause loss or damage to the property or heir.

Chapter Three

Annexation of Non-Heirs to a Legacy

Article 235

Article 235

A will by replacement shall mean a will to include a non-heir in the testator's estate for a specific share therein.

Article 236

Article 236

A non-heir included as such shall be entitled to the same share of the heir whose status he takes, whether a male or female, provided that such share must be within the limit of one third of the estate, unless ratified by the remaining mature heirs, in which case the excess shall be enforced against the shares of the ratifying heirs.

Chapter Four

Modification and Revocation of Will

Article 237

Article 237

A testator may modify or revoke his will, wholly or partially, expressly or impliedly, by word or act signifying revocation or by any disposition on a specific Legacy which completely changes its description.

Denial of the will, removal of the Legacy's building or name or most characteristics thereof, or independently increased thereof shall not be regarded as revocation, unless there is an indication that the testator intended revocation of the will.

Chapter Five

Will Invalidating Factors

Article 238

Article 238

A Legacy shall become and void in the following cases:

1. Revocation by the testator.
 2. Death of the legatee during the life of the testator.
 3. Rejection of the will by the legatee having full capacity after the death of testator.
 4. The intentionally killing of the testator by the legatee, whether acting as principal, accomplice or otherwise connected therewith causing his death, provided that at the time of such killing he has attained the age of criminal liability.
 5. Perishing of the specific Legacy or it becoming the property of a third party.
 6. Apostasy of either the testator or legatee, unless they return to Islam.
-

Chapter Six

Competing Legacies

Article 239

Article 239

Competing of wills shall occur on bequeathing more than one third of the estate to two or more persons when the heirs have not ratified such excess. In this case, the one third shall be divided among the legatees according to the rates of their shares to each other

Chapter Seven

The Will (Probate) Claim

Article 240

Article 240

Probate (will) claims shall not be heard on denial except upon adducing Evidence.

BOOK FIVE

Inheritance

Part 1

General Provisions

Article 241

Article 241

The estate shall consist of the property, benefits and pecuniary rights of the deceased.

Article 242

Article 242

Estate-encumbered rights shall have priorities in the following order:

1. Burial expenses of the deceased.
 2. Payment of debts of the deceased.
 3. Will execution.
 4. Distribution of the remaining estate to the heirs.
-

Article 243

Article 243

Inheritance shall be the mandatory transfer of property, benefits and financial rights upon the death of the owner to those entitled to inherit.

Article 244

Article 244

The preconditions of inheritance shall be the intestate, the heir and the estate.

Article 245

Article 245

The grounds for entitling inheritance shall be marriage, blood relationship and allegiance.

Article 246

Article 246

Conditions for entitlement to inheritance shall be as follows:

1. Actual or constructive death of the intestate.
 2. Actual or presumed survival of the heir after death of the intestate.
 3. Identification of the ground for entitlement to inheritance.
-

Article 247

Article 247

An heir who intentionally kills the intestate, whether acting as principal, accomplice or otherwise connected with causing his death, provided that at the time of such killing he has attained the age of criminal liability.

Article 248

Article 248

There shall be no entitlement to inheritance in the event of difference in religions.

Article 249

Article 249

If two or more persons, who are entitled to inherit from each other, died, but it cannot be ascertained who died first, both shall be disentitled to inherit from one another.

Article 250

Article 250

Inheritance may be by Fardh, agnation, both or uterine relationship.

If an heir is related to the deceased by two of the above different relations, such heir shall inherit by both, so that if the heir is debarred from one, he shall inherit by the other.

Article 251

Article 251

Entitled persons shall inherit according to the following order:

1. Owners of fixed or prescribed shares (Ashab Al Furud).
 2. Agnate owners of residuaries.
 3. Redistribution of the residue to the owners of fixed or prescribed shares except for husband and wife.
 4. Maternal or uterine relatives.
 5. Distribution of the residue to one of the spouses.
 6. The person whose parentage is admitted by one person against a third party.
 7. A legatee of a Legacy in excess of the validity limit of the will.
 8. The State.
-

Part 2

Classes and Rights of Heirs

Chapter One

Heirs of Quranic Prescribed and Fixed Shares

Article 252

Article 252

1. The Fardh shall be the fixed share fixed/prescribed by the Quran.
 2. The Furud shall be one half, one quarter, one eighth, two thirds, one sixth, or one third of the remainder.
 3. Ashab Al Furud owners of fixed/prescribed shares shall be the husband, wife, daughter, father, mother, half-brothers or maternal brothers, daughters of the son, full sister, paternal sister, immediate grandmother and immediate grandfather.
-

Article 253

Article 253

The husband's Fardh fixed share shall be:

1. One half of the estate of his wife if there is no Child heir.
 2. One quarter of the estate of his wife if there is a Child heir.
-

Article 254

Article 254

The wife's Fardh fixed share shall be:

1. One quarter of the estate if there is no Child heir.
2. One eighth of the estate if there is a Child heir.

If such wives are more than one, they shall divide one eighth among them equally.

Article 255**Article 255**

For a spouse to inherit from the other:

1. Their marriage must be proper.
2. Their marriage must persist, actually or constructively, until the date of death.

A wife divorced during terminal death shall inherit as a wife even if the divorce is irrevocable.

Article 256**Article 256**

The daughter's Fardh fixed share shall be:

1. One half of the estate if she was the only Child and there is no son.
2. Two thirds of the estate if they are more than one and there is no son.

The daughter shall inherit by agnation half of the share of a male son if they are in the same rank.

Article 257**Article 257**

The father's Fardh fixed/prescribed share shall be:

1. One sixth of the estate if there is a male descendant inheritor.

One sixth of the estate and the remainder by agnation after owners of fixed/prescribed shares if there is a female descendant inheritor.

The entire estate by agnation if he is alone.

The remainder by agnation after owners of fixed/prescribed shares if there is no descendant inheritor.

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Article 258**Article 258**

The mother's Fardh fixed/prescribed share shall be:

1. One-sixth of the estate if there is a descendant inheritor or group of brothers and sisters.
2. One third of the estate of her Children if there is no descendant inheritor or group of brothers and sisters and not joined by the father and one of the spouses.

One third of the remainder after one of the spouses' shares if joined by the father or one of the spouses if there is no descendant inheritor or a group of brothers and sisters.

Article 259

Article 259

The maternal or half-brother's Fardh fixed/prescribed share shall be:

1. One sixth of the estate if he is only one and there is no descendant or male ascendant inheritor.
2. One third of the estate if there are more than one and there is no descendant or male ascendant heir, and it shall be divided among them equally the female shall have the same share of the male.
- 3.

Maternal half-brothers shall be barred if there is a descendant or male ascendant inheritor, however remote they may be.

Article 260

Article 260

Full brothers (one or more) shall share the one third with the half-brothers if they are joined with the husband and mother or grandmother (the joint case) in which case all brothers (half and full) shall divide the one third equally, the female having the same share as the male.

Article 261

Article 261

The daughter of the son's Fardh fixed/prescribed share shall be:

1. One half of the estate if she is one and there is no direct daughter or a ranking son of the son, and she is not debarred.
2. Two thirds of the estate if there is more than one such daughter and there is no direct daughter among heirs or a ranking son of the son and they are not debarred.
3. One sixth in completion of the two thirds if there is a direct daughter or a daughter of the son ranking higher than her. If they are more than one, they shall divide the one sixth among them equally.

She shall also inherit by agnation by others, if there is a ranking son of the son with her or lower than her and she needed him. The estate shall be divided between them, the male having the shares of the two females.

The daughter of the son shall be debarred if there is with her:

1. The son or son of the son ranking higher than her.
2. Two or more daughters and there is no son of the son ranking with her, or lower than her rank and she needed him.

Two or more daughters of a son ranking higher than her, or a daughter and a daughter of a son ranking higher than her, and there is no son of a son ranking with her or lower than her rank, and she needed him

Article 262

Article 262

The full sister's Fardh fixed/prescribed share, subject to the provisions of Articles 265 and 266 of this Law, shall be:

1. One half of the estate, if there is no full brother or female descendant heir and she is not debarred.
2. Two thirds of the estate, if there are more than one, and there is no full brother and no female descendant heir and they are not debarred.

She shall also inherit by agnation with others, if there is a female descendant heir and she is not debarred; in this case, she shall receive the remainder of the inheritance after the owners of fixed/prescribed shares.

She shall also inherit by agnation by others, if there is one full brother or more; the estate shall be divided among them, with the male entitled to the shares of the two females.

She shall also share with the brothers in accordance with the provisions of Article 265 of this Law.

A full sister shall be debarred if there is a male descendant heir or a direct father.

Article 263

Article 263

The paternal sister's Fardh fixed/prescribed share, subject to the provisions of Articles 265 and 266 of this Law, shall be:

1. One half of the estate, if there is no paternal brother or full sister or a female descendant heir, and she is not debarred.
2. Two thirds of the estate, if they are more than one and there is no paternal brother or full sister or a female descendant heir, and they are not debarred.
3. One sixth in completion of two thirds, if there is a full sister with her and there is no paternal brother to agnate her, and she is not debarred.

She shall also inherit by agnation by others; if there is one paternal brother or more, the estate or the remainder thereof after the fixed/prescribed shares (Furudh) shall be distributed among them, with the male share being twice that of the female.

She shall also inherit by agnation with others, if there is a female descendant heir and there is no paternal agnation brother, and she is not debarred.

A paternal sister shall be debarred if there is a male descendant heir, direct father, a full brother, a full sister who became an agnate with others, or two full sisters, unless there is a paternal brother to agnate her.

Article 264

Article 264

A true grandmother shall be one whose line of connection with the deceased is not interrupted by a male between two females.

A true grandmother shall inherit one sixth as a fixed/prescribed share, whether she is one or more, from the side of the mother or the side of the father, or from both the sides of the mother and father, and if she is not debarred. If true grandmothers are more than one, the one sixth shall be divided among them equally.

The true grandmother shall be debarred in the following cases:

1. By the mother absolutely.
2. By the father if she is a grandmother from the side of the father.
3. By the grandfather if he descended from her.
4. By close cognation from her side and close cognation from the side of the mother, the distant agnation from the side of the father.

Close agnation from the side of the father shall not debar the distant cognation from the side of the mother.

Article 265

Article 265

A true grandfather shall be the one whose line of connection with the deceased is not interrupted by a female.

The true grandfather's Fardh fixed/prescribed share shall be:

1. One sixth of the estate, if there is a male descendant heir, and he is not debarred.
2. One sixth of the estate, and the remainder after owners of fixed /prescribed shares by agnation, if there is a female descendant heir, and he is not debarred.

The true grandfather shall inherit the whole estate if there are no other heirs.

And he shall inherit the remainder after owners of fixed /prescribed shares by agnation, if there is no descendant heir.

In the case of the existence of full or paternal brothers, the true grandfather shall inherit:

1. The largest share from dividing the joint share or one third of the estate, if there is no owner of a fixed/prescribed share.
2. The largest share from one sixth of the entire property, or from division, or one third of the remainder, after owners of the fixed/prescribed shares.
3. In the case of the existence of the true grandfather with the two classes of brothers together, the full brothers shall treat him as a parental brother, provided that his share must not be less than one sixth, in the case of the existence of an owner of a fixed/prescribed share, or not less than one third in the case of the existence of no owner of a fixed/ prescribed share.

Article 266

Article 266

The grandfather shall agnate the full or paternal sister, who may not inherit with him as owners of fixed/prescribed shares except in the case Al-Akdariya: Al-Akdariya involves a husband, a mother, a grandfather, a full or a paternal sister.

The father shall take one half, the mother one third, the grandfather one sixth. The sister shall be given a fixed/prescribed share of the half, which shall be added to the sixth of the grandfather, and the total shall be divided between them, with the male having the share of two females.

Article 267

Article 267

The grandfather may not debar the full or paternal brother except in the case of Malikiya and similar cases.

The Malikiya involves a husband, a mother, a grandfather, maternal brothers, and a paternal brother; the husband shall be given one half, the mother one sixth and the grandfather the remainder by agnation.

A similar case of Malikiya involves a husband, a mother, a grandfather, maternal brothers, and a full brother; the husband shall be given one half, the mother one sixth and the grandfather the remainder by agnation.

Chapter Two

Agnate Heirs (A'asabat)

Article 268

Article 268

Inheritance by Ta'sib agnation is inheritance which is not predetermined or fixed in shares by male relatives of the deceased and females who are not related to the deceased through a female only and who take the status of such males or share with them.

Agnates are of three types:

1. Agnates by themselves.
 2. Agnates by others.
 3. Agnates with others.
-

Article 269

Article 269

An agnate by himself is every male who is not connected to the deceased through a female and who is in no need of others for agnation.

Article 270

Article 270

Agnates by themselves are four sides some of which have precedence over the other according to the following order:

1. Filiation including the sons and the sons of sons, however remote downwards.
 2. Paternity including the father only.
 3. Grandfathers and brothers including the father of the father, however remote upwards, and the full and parental brother.
 4. Sons of brothers, including sons of full and paternal brothers, however remote downwards.
 5. Uncles including the full and parental uncles and their sons, however remote downwards.
-

Article 271

Article 271

An agnate by himself shall be entitled to the estate in the absence of heirs of fixed shares, and to the remainder of the estate in the case of their existence and to nothing if the fixed shares exhaust the estate.

Article 272

Article 272

Precedence shall be given to the agnate whose side of connection with the deceased is closer in the order set out in Article 270 hereof, then the more closer in degree to the deceased if they are from the same side, then to the strongest in consanguinity in the case of equality in terms of degree.

Agnates shall share in the estate if they are from the same side and equal in degree and strength of consanguinity.

Article 273

Article 273

An agnate by others shall be every female owner of Fardh fixed/prescribed share from the side of filiation or brotherhood having with her an agnate by himself in her degree or being relegated to such degree.

Article 274

Article 274

An agnate by others shares with his agnate partner all the estate, or the remainder thereof, after the owner of Fardh fixed/prescribed share, which shall be divided between them, with the male taking equal to the shares of the two females.

The agnate and agnation partner shall have nothing if the fixed/prescribed shares have exhausted the entire estate.

Article 275

Article 275

An agnate with others shall be every female owner of Fardh fixed/prescribed share from the side of brotherhood having with her a female descendant heir and there being no agnate by himself in her degree.

Article 276

Article 276

An agnate with others shall be entitled to the remainder of the estate after the owners of Fardh fixed/prescribed shares. The agnate with others shall have nothing if the shares of owners of Fardh fixed /prescribed shares have exhausted the entire estate.

Chapter Three

(Hajb) Barring, (Rudd) Distribution of Residue and (Awal) Distribution of Shortage

Article 277

Article 277

Barring shall have the effect of depriving an heir of inheritance partially or totally because of the existence of another heir who is more entitled to the inheritance. Barring shall be of two kinds: total deprivation and partial deprivation. A debarred heir may debar other heirs.

Article 278

Article 278

Rudd shall be the redistribution of the residue of the estate, after first distributing the fixed shares, to the owners of fixed shares again on a pro rata basis according to the percentage of their fixed shares.

Article 279

Article 279

If the fixed shares do not exhaust the estate and there is no agnate, the residue shall be distributed to the owners of fixed shares other than the spouses according to the percentage of their shares.

If there is no other heir of fixed share, agnate or a uterine relative, except the spouses, the residue shall be distributed to the spouses.

Article 280

Article 280

Awal shall be the distribution of the shortage in the estate, resulting from the first distribution of the fixed shares, by reducing such fixed shares on a pro rata basis according to the percentage of their fixed shares.

Chapter Four

Uterine Relatives

Section 1

Definition and Classification of Uterine Relatives

Article 281

Article 281

Uterine (or cognate) relatives shall be all those relatives who are neither owners of (Fardh) fixed/prescribed sharers nor male agnates.

Article 282

Article 282

The classes of uterine (or cognate) relatives shall be as follows:

1- First Class:

1. Sons of daughters, however remote downwards.
2. Sons of sons' daughters, however remote downwards.

2- Second Class:

1. Uterine grandfathers, however remote upwards.
2. Uterine grandmothers, however remote upwards.

3- Third Class:

1. Sons of full sisters, paternal and maternal sisters, however remote downwards.
2. Daughters of full, maternal brothers, however remote downwards.
3. Sons of maternal brothers, however remote downwards.

4- Fourth Class:

1. Maternal uncles of the deceased and aunts, whether paternal or maternal.
2. Descendants of group A, however remote downwards.
3. Maternal brothers of the father of father of the deceased, his aunts and maternal uncles and aunts, uncles of the mother of the deceased, her aunts, her maternal uncles and aunts whatsoever.
4. Descendants of group C, however remote downwards.
5. Uncles of the father of the deceased father, his aunts and maternal uncles and aunts whatsoever, uncles of the mother of the father of the deceased, her aunts and maternal uncles and aunts whatsoever, uncles of the father of the mother of the deceased and his aunts and maternal uncles and aunts whatsoever, uncles of the mother of the father of the deceased and her aunts and maternal uncles and aunts whatsoever.
6. Descendants of group E, however remote downwards.

Each of the above classes shall bar the class following next.

Section 2

Inheritance by Uterine Relatives

Article 283

Article 283

The priorities of inheritance by the First Class shall be in the following order:

1. The closest of them in degree to the deceased shall have precedence.
 2. If they are equal in degree, those connected to the deceased through an heir shall have precedence.
 3. If all are related or not related to the deceased through heirs, they shall all share equally in the estate if they are males only or females only; if they are males and females, the male shall have double the share of the female.
-

Article 284

Article 284

The priorities of inheritance by the Second Class shall be in the following order:

1. The closest of them in degree to the deceased shall have precedence.
 2. If they are equal in:
 3. Degree and strength: they shall all share equally in the estate if they are males only or females only; if they are males and females, the male shall have double the share of the female.
 4. Degree but not strength, i.e., some of them are from the side of the father, some from the side of the mother: the inheritance shall be divided into thirds, with those from the father's side taking two thirds and the mother's side one third.
-

Article 285

Article 285

No consideration shall be given to the multiplicity of relation sides except if such sides are different.

Article 286

Article 286

The priorities of inheritance by the Third Class shall be in the following order:

1. The closest of them in degree to the deceased shall have precedence.
 2. If they are equal in degree, and:
 1. Some of them are related to the deceased by an agnate and some by a uterine relative, the one who is related by an agnate shall have priority over the one who is related by a uterine relative.
 2. Are equal in relation to the deceased, the strongest relationship shall have priority.
 3. Are equal in relationship and strength of relationship, they shall all share equally in the estate if they are males only or females only; if they are males and females, the male shall have double the share of the female.
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Article 287

Article 287

If in group A of the Fourth Class, provided for in Article 282 of this Law, paternal relatives (the maternal brothers of the father of the deceased, his aunts whosoever) or maternal relatives (the maternal uncles of the deceased and his maternal aunts whosoever) stand alone, the relative with the strongest relationship shall take precedence. The one who is related through two fathers shall have priority over the one through one father, and similarly the paternal with maternal. If they are equal in such relationship, they shall share in the estate. If the two parties (paternal and maternal) come together, the paternal shall take two thirds and the maternal one third, and the share of each party shall be divided among them in the manner stated above.

Article 288

Article 288

The provisions of the preceding Article shall apply to groups C and E of the Fourth Class of uterine relatives.

Article 289

Article 289

In group B of the Fourth Class of uterine relatives, the closest in degree shall have priority over the distant ones even if they are not from the same side of relationship. In case of equality in degree and side of relationship, the strongest relationship shall take precedence if they are all a Child of an agnate or a

cognate; if they are different, the Child of the agnate shall have priority over the Child of a cognate. In the case of different sides of relationship, the paternal relatives shall have the two thirds and the maternal relatives the one third. The share of each party shall be divided among them in the manner stated above.

Article 290

Article 290

The provisions of the preceding Article shall apply to groups D and F of the Fourth Class of uterine relatives.

Chapter Five

Miscellaneous Provisions

Section 1

Inheritance by the Missing Person

Article 291

Article 291

The missing person shall be the absent person who is not known whether to be alive or dead.

The Judge shall decree the death of the missing person, after investigating by all means, in any of the following two cases:

1. Existence of Evidence of his death.
2. If he is lost in circumstances not likely to result in his death, but four Years have passed since then, or he is lost in circumstances likely to result in his death and two Years have passed since then.

After the decree of death, the missing person shall be considered dead as from the date he is lost for purposes of the rights of third parties, and from the date of the decree of death regarding his own rights in property.

Article 292

Article 292

The share of the missing person in the estate of his/her intestate deceased shall be reserved for him/her assuming he is living; if he is found alive, he/she shall be given his/her share; if he/she is decreed dead, such share shall be redistributed to the other heirs entitled on the death of the intestate.

If the missing person appears alive after the decree of his death, he/she shall be given what is left of his share in the hands of the other heirs.

Article 293

Article 293

If the missing person appears alive after the decree of his death, and his/her share is distributed to the other heirs, he/she shall be given what is left of his share in the hands of the other heirs and he/she may not have recourse against them for the spent part.

Section 2

Inheritance by the Embryo

Article 294

Article 294

The greater share shall be left to the embryo on the account that it may be born male or female.

Article 295

Article 295

If the share reserved for the embryo turns out to fall short of what is deserved, recourse shall be made against those heirs who received an increase in their shares.

If such reserved share turns out to be more than what is deserved, the excess shall be redistributed to the heirs so entitled.

Section 3

Inheritance by Those Whose Parentage Is Acknowledged

Article 296

Article 296

If the deceased before his death admitted a blood relationship of a person claiming against him, such admission shall bind him alone without his heirs, unless such admission has satisfied the conditions of its validity.

If the deceased before his death admitted parentage of a person against a third party, which cannot be proved otherwise according to the provisions of this Law, and he did not retract such admission until his demise, the person whose parentage is so admitted shall be entitled to the estate of the admitting deceased if there is no other heir.

If some of the heirs admitted parentage of a person against their intestate deceased, and such parentage cannot be proved otherwise, the person whose parentage is so admitted shall take his share from the admitting heirs only, unless he is debarred

Section 4

Inheritance of an Illegitimate and Li'aan Child

Article 297

Article 297

An illegitimate Child or the "Li'aan Child" shall inherit from his mother and maternal relatives and the mother and her relatives shall inherit such Child.

Section 5

Inheritance by the Androgynous (Hermaphrodite)

Article 298

Article 298

Anandrogynous person (hermaphrodite) shall take the lesser of the two shares, depending on the determination of the person's masculinity and femininity.

Section 6**Assignments of Shares by and among Heirs (Takharuj)****Article 299****Article 299**

Takharuj is an agreement between heirs under which some heirs assign their shares in the inheritance to other heirs for a certain consideration.

The Judge shall give details of the assets of the estate to the assigning heir.

If one heir agrees to assign his share to another, the latter shall be entitled to that share and replace the assigning heir in the inheritance. If the consideration is part of the inheritance, the shares of the assigning heir shall be subtracted from the principal of inheritance and the shares of the other heirs shall remain untouched. If the consideration is from the heir's own property and the takharuj agreement does not provide for a method for dividing the share of the assigning heir, such share shall be divided among heirs according to the proportion each has paid. If such amount paid by each of the heirs is not known, the share of the assigning heir shall be equally divided among the other heirs.

Article 300**Article 300**

The takharuj or assignment of shares shall be valid even if the value of the assets and amount of the estate are not known. If such takharuj results in gross disadvantage to the assigning heir so that as he/she takes less than his/her share in inheritance by one fifth, such assigning heir may request the rescission of the takharuj agreement. The rest of the heirs may prevent such rescission by completing the amount of uncompleted shares. A claim for rescission of the takharuj agreement shall be within one Year from the date of takharuj.

Article 301**Article 301**

Takharuj (assignment of shares) shall take place only when death is proved and the heirs are determined.
